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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,684	07/02/2004	Martinus Johannes Piena	NL 020008	6578
24737	7590	02/13/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			NGUYEN, HAI L	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/500,684	PIENA, MARTINUS JOHANNES	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hai L. Nguyen	2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment received on 1/03/2006 has been reviewed and considered with the following results:

As to the objection to the oath or declaration, Applicant's remarks/arguments have been carefully reviewed and found persuasive, as such; the objection has been withdrawn.

As to the objection to the specification, Applicant's remarks/arguments have been carefully reviewed and found persuasive, as such; the objection has been withdrawn.

As to the objection to the abstract, Applicant's remarks/arguments have been carefully reviewed and found persuasive, as such; the objection has been withdrawn. The amendment abstract has been accepted.

As to the objection to the drawings, Applicant's revision of the drawings has overcome the objection, as such; the objection has been withdrawn.

The prior art rejections to the claims 1-7 made in the previous Office Action mailed on 10/19/2005 are now withdrawn in view of Applicant's amendments.

Applicant's amendments and arguments have been considered but are moot in view of a new action on the merits appears below.

### ***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, drawn to a high-pressure discharge lamp, classified in class 313, subclass 491.

Art Unit: 2816

II. Claims 6-8, drawn to a method of manufacturing an electrode, classified in class 313, subclass 326.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions group I and group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be practiced by using different process of making the device such as a high-pressure discharge lamp.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Mr. Frank J. Keegan on 01/25/2006 a provisional election was made without traverse to prosecute the invention of group I, claims 1-5. Affirmation of this election must be made by applicant in replying to this Office action. Claims 6-8 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2816

7. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakano et al. (US 6,882,109).

With regard to claim 1, Nakano et al. discloses in Figs. 3-17 a high-pressure discharge lamp provided with a discharge vessel (11) having a wall of a ceramic material, and provided with at least one electrode feed through comprising a cermet rod (24), which is secured, at a first end, to a first end of an electrode pin (21) by means of a welded joint, which electrode pin is substantially composed of tungsten and extends in line with the cermet rod, wherein the electrode pin comprises a solidified tungsten melt at its first end in the vicinity of the interface between electrode pin and cermet rod.

With regard to claim 2, the reference also meets the recited limitations in the claim (see column 10 lines 9 - 23).

With regard to claim 4, the cermet rod is connected at a second end to a niobium pin (27).

With regard to claim 5, the electrode pin carries a tungsten electrode spiral (20) at a second end.

***Allowable Subject Matter***

8. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose or fairly suggest a high-pressure discharge lamp (as shown in Figs. 1-2) provided with a discharge vessel having a wall of a ceramic material, and provided with at least one electrode feed through (2, 3), as recited in claim

Art Unit: 2816

3, having specific structural limitations such as the electrode pin exhibits, at its first end, a tungsten melt (35) in three locations on its circumference, which tungsten melts are arranged at an angle of 120° with respect to each other and are at the same distance from the interface (34), and being configured in combination with the rest of the limitations of the base claims and any intervening claims.

### *Conclusion*

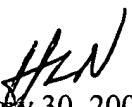
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kariya et al. (US 4,808,881) is cited as of interest because it discloses a ceramic envelope device for high-pressure discharge lamp.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai L. Nguyen whose telephone number is 571-272-1747. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2816

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HLN   
January 30, 2006

  
TIMOTHY P. CALLAHAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800